

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Divett L. Mays/Mays Bonding Corp.  
198 Docket Street, Suite 308  
Orangeburg, S.C. 29115.

SCDOI File Number: 126915.

**Consent Order Imposing Administrative  
Penalty As Precondition to Remain  
Licensed**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and above named respondent, a licensed resident South Carolina bail bondsmen, of Mays Bonding Corporation.

Upon review of this matter, I hereby find as fact, that Divett Mays, while licensed to do business as a surety bail bonds agent within the State of South Carolina, did fail to timely remit monies to the Orangeburg County's Clerk of Court, for the Bond Forfeitures of several of his customers. The respondent acknowledges the allegation but contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the Law. Nevertheless, this type of action can ultimately lead to the revocation of his license to transact the business of bail bonding in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code Ann. & 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against him, Mr. Mays and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke his licensing privileges, the respondent would remit all monies owed to the complainant, waive his right to a public hearing and pay through the Department an administrative penalty in the amount of \$500.00 dollars.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Divett L. Mays of Mays Bonding Corporation had violated S.C. Code Ann. §38-53-150(A)(9)(Supp.2004) by "failing to pay any judgment or decree rendered on any forfeited undertaking in any Court of competent jurisdiction." As a result, I can now take administrative disciplinary action against his resident bail bondsman licensing privileges. However, in view of his willingness to expeditiously resolve this matter, by immediately paying back the monies in question, I have decided to grant him the benefit of the doubt, concluding that there was no malice, criminal intent, nor willful conduct involved. Therefore, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. §38-2-10(2)(Supp. 2004), and after carefully considering the recommendation of the parties, I hereby impose against the respondent an administrative penalty in the amount of \$500.00 dollars, to be paid within fifteen days of receipt of this consent order. If the penalty amount is not paid timely,

all of his licensing privileges will be immediately revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of Divett Mays' assurances that in the future he will exercise more caution and fully comply with South Carolina's Insurance Laws.

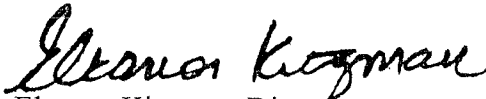
This penalty includes all expenses related to the investigation of this matter, as provided in Section 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Divett Mays acknowledges this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 & Supp. 2004).

It is, therefore ordered, that Divett Mays shall, within fifteen days from the date of receipt of this consent order, pay through the Department of Insurance an administrative penalty in the amount of \$500.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in respondent's licensing file.

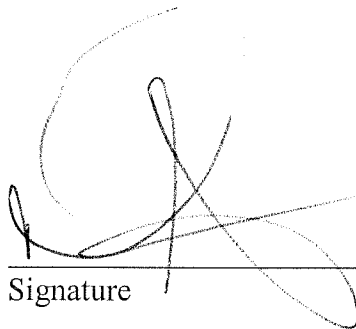
This order becomes effective as of the date of my signature below.

  
Eleanor Kitzman, Director

Jan 20, 2006, at Columbia, South Carolina.

I CONSENT:

Name:

  
Signature

Title: Vice-President

Address: 198 Docket St Suite 308  
Oranburg SC 29115

Dated this 13 day of Jan, 2006.

**RECEIVED**

**JAN 18 2006**

**STATE OF SOUTH CAROLINA  
DEPARTMENT OF INSURANCE**